

In the Matter of Merchant Mariner's Document No. Z-794446  
Issued to: GEORGE LINDSAY, JR.

DECISION AND FINAL ORDER OF THE COMMANDANT  
UNITED STATES COAST GUARD

623

GEORGE LINDSAY, JR.

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations Sec. 137.11-1.

On 25 July, 1952, an Examiner of the United States Coast Guard at Honolulu, T.H., revoked Merchant Mariner's Document No. Z-794446 issued to George Lindsay, Jr., upon finding him guilty of misconduct based upon a specification alleging in substance that while serving as a waiter on board the American SS PRESIDENT WILSON under authority of the document above described, on or about 15 May, 1952, while said vessel was in the port of Honolulu, T.H., he wrongfully and unlawfully had in his possession a quantity of narcotic drug; to wit, five ounces of heroin.

At the hearing, Appellant was given a full explanation of the nature of the proceedings, the rights to which he was entitled and the possible results of the hearing. Although advised of his right to be represented by an attorney of his own selection, Appellant voluntarily elected to waive that right and act as his own counsel. He entered a plea of "guilty" to the charge and specification proffered against him.

Thereupon, the Investigating Officer made his opening statement. Appellant stated that he realizes he made a mistake and that he would never let it happen again if he had another chance to go to sea. Appellant also said that he had used heroin once but would not use it again.

At the conclusion of the hearing, having given both parties an opportunity to submit proposed findings and conclusions, the Examiner announced his findings and concluded that the charge had been proved by plea. He then entered the order revoking Appellant's Merchant Mariner's Document No. Z-794446 and all other licenses, certificates of service and documents issued to this Appellant by the United States Coast Guard or its predecessor authority.

This appeal states that Appellant realizes he never should have done such a thing but he requests another chance for the sake of his family and because this is the only kind of work Appellant has ever done.

Based upon my examination of the Record submitted, I hereby make the following

### FINDING OF FACT

On 15 May, 1952, Appellant was serving as a waiter on board the American SS PRESIDENT WILSON and acting under authority of his Merchant Mariner's Document No. Z-794446 while the ship was at Honolulu.

When Appellant was leaving the ship at 0845 on this date, he was apprehended by a Port Patrol Officer and escorted to the Customs office. On the way to the office, Appellant threw a rubber sheath behind some cargo. The sheath was retrieved and found to contain a quantity of heroin. An additional three ounces of heroin was found in Appellant's locker aboard the ship.

On 29 May, 1952, Appellant was convicted in the Federal District Court at Honolulu upon his plea of guilty to violation of 21 U.S.C. 184a. He was sentenced to three years' imprisonment.

### OPINION

The Examiner has accurately stated the policy of revocation followed by the Coast Guard in all types of narcotics cases. The grave threat to lives and property which is created by the presence of narcotics aboard ships cannot be eliminated except by revoking seamen's documents in all such cases. For this reason, Appellant's individual welfare must suffer for the good of the American Merchant Marine.

### ORDER

The order of the Examiner dated at Honolulu, T.H., on 25 July, 1952 is AFFIRMED.

Merlin O'Neill  
Vice Admiral, United States Coast Guard  
Commandant